

PART II - CODE  
Chapter 62 - HUMAN RIGHTS

ARTICLE IV. - PUBLIC ACCOMMODATIONS

ARTICLE IV. - PUBLIC ACCOMMODATIONS <sup>(1)</sup>

**Sec. 62-181. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Hotel and motel* means every establishment offering lodging to transient guests for compensation, other than bona fide private clubs.

*Passenger transportation system* means publicly or privately owned, operated or managed buses, taxicabs, airlines, airplanes or trains normally carrying passengers for hire within or from the city, and shall include all of the stations, terminals and facilities appurtenant thereto.

*Place of entertainment* means those places, things or events open to the public, such as motion picture theaters, legitimate theaters, circuses, fairs, carnivals, athletic exhibitions or contests including but not limited to boxing, wrestling, football and baseball exhibitions and contests, athletic fields, amusement parks, playgrounds and parks, bowling alleys, swimming pools, auto races, pool halls, dances and dance halls, golf courses, shooting galleries and ranges, skating rinks, miniature golf courses, fireworks shows or exhibitions, go-cart tracks, horse, dog and flower shows and exhibits, beauty shows or pageants, and all other similar places, exhibitions or contests open to the public, whether publicly or privately owned, operated or managed.

*Restaurant* means every cafe, cafeteria, coffeeshop, sandwich shop, snackbar, supper club, soda fountain, ice cream parlor, luncheonette, tavern or bar or other similar establishment which offers food or drink for purchase and consumption on the premises, other than bona fide private clubs.

*Services* means professional, semiprofessional, personal, educational or commercial.

(Code 1981, § 18A-81)

**Cross reference—** Definitions generally, § 1-2.

**Sec. 62-182. - Discrimination prohibited.**

It shall be unlawful for any person offering for a consideration services, public accommodations or passenger transportation, or for the agent, operator or manager of such person, to refuse, withhold from or deny to any person such services, public accommodations or passenger transportation for any reason, directly or indirectly, related to the age, race, creed, color, sex, religion, ancestry, national origin or disability of such person. However, nothing contained in this section shall be construed to prohibit any person from having a special event such as women's bowling night, men's bowling night, women's or men's bridge night, or other similar events which limit the event or activity to individuals of a particular sex, except such special events shall not occur on a regular basis so as to defeat the intent of this section.

(Code 1981, § 18A-82)

**Sec. 62-183. - Filing, investigation and resolution of complaints; enforcement by city attorney.**

- (a) The mayor's commission on human rights and community relations shall receive and investigate, in accordance with rules established by the commission, all complaints of alleged violations of this

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article, with assistance from the staff of the law department of the city and any other persons whom the commission may find useful in the investigation and processing of the complaint. Any three members of the mayor's commission shall have the power to act on behalf of the whole commission in a matter concerning this article. The chairperson of the commission shall have the power to issue subpoenas to compel witnesses to attend public or private meetings and to produce at such meetings relevant books or records with regard to the matter under investigation. The failure to comply with any such subpoena shall be punishable in municipal court in accordance with the provisions of section 1-7; provided, however, no subpoena shall require any appearance within five days from the date such subpoena shall be served and the parties subpoenaed shall have three days from the date of service to move the municipal court to quash the subpoena. If such a motion is made, the court may continue the time for compliance with such subpoena as necessary to rule on the motion, but for no longer than ten days from the original date set for appearance. A copy of such motion is to be served upon the city attorney as counsel for the mayor's commission. The chairperson of the commission or any member of the commission directed to investigate a complaint shall have the power to place any person under oath relating to any matter under investigation.

- (b) No complaint shall be filed more than 60 days after the date of the alleged violation of section 62-182, and all complaints shall be in writing and under oath. After the filing of any complaint, the chairperson shall appoint at least two and not more than three commissioners to promptly investigate the complaint. If it is determined after the investigation that probable cause exists for crediting the allegations of the complaint, the commissioners shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion, and shall report the results to the entire commission. The investigation, determination of probable cause and conciliation shall be conducted according to such rules, regulations and guidelines as the commission shall prescribe. The members of the commission and its staff shall not disclose the content of the report or what has transpired in the course of such endeavors.
- (c) The commission, or those representing the whole commission, shall determine whether probable cause exists to believe that the complaint is justified, and shall adjust complaints by education, persuasion and conciliation if possible, as promptly as possible, within the applicable time limits.
- (d) If the commission or those acting on behalf of the commission find that their efforts are unsuccessful, or in any event if the complaint shall not have been resolved within the maximum time after receipt of the complaint, the commission shall at such time refer the complaint to the law department of the city with the commission's recommendation thereon, with a copy thereof to be sent to the complainant and to the person complained about by ordinary mail.
- (e) The commission may certify complaints directly to the city attorney's office for legal action under this section without conducting a meeting whenever the commission finds that any person or group of persons has engaged in a continued pattern of resistance of full employment of any of the rights granted under this article. The filing of previous complaints and the findings of probable cause for such complaints by the commission against a person shall constitute grounds for the commission finding that such person is engaged in a continued pattern of resistance to the full employment of the rights granted in this article.

(Code 1981, § 18A-63)

**Sec. 62-184. - Making false complaint.**

Any person knowingly making a false complaint to the mayor's commission on human rights and community relations for the violation of section 62-182 shall, upon conviction thereof, be punished as provided by section 1-7.

(Code 1981, § 18A-64)

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**Sec. 62-185. - Penalty for unlawful discrimination.**

Any person convicted of violating any of the provisions of section 62-182 shall be punished as provided in section 1-7.

(Code 1981, § 18A-65)

**Sec. 62-186. - Civil remedies.**

This article shall neither add to nor detract from any civil remedy now available or hereafter available to persons subjected to discrimination prohibited therein.

(Code 1981, § 18A-66)

**Sec. 62-187. - Coercion, intimidation, threats or interference; retaliation; discrimination by association.**

It shall be unlawful to:

- (1) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the provisions of this article;
- (2) Aid, abet, incite, compel or coerce the commission of acts prohibited under this article or to attempt to do so;
- (3) Discriminate or retaliate in any manner against any individual because the individual has opposed any practices forbidden under this article, or because the individual that filed a complaint testified or assisted in any proceeding or hearing conducted pursuant to this article; or
- (4) Discriminate in any manner against any person because of such person's association with any person protected by this article.

(Code 1981, § 18A-67)

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FOOTNOTE(S):

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Cross reference—Licenses, permits and miscellaneous business regulations, ch. 70. (Back)

